



Department of Energy

Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831-8723

July 25, 1989

Dr. John J. Trela, Director
New Jersey Department of
Environmental Protection
Division of Hazardous Waste Management
401 East State
Trenton, New Jersey 08629

Dear Dr. Trela:

INFORMATION ON REGULATORY STATUS OF CONTAMINATED MATERIAL AT THREE NEW JERSEY FUSRAP SITES

This letter is in response to your letter of March 17, 1989 regarding the regulatory status of the interim storage piles present at our Maywood, Wayne, and Middlesex Formerly Utilized Sites Remedial Action Program (FUSRAP) sites. The Department of Energy (DOE) recognizes the New Jersey Department of Environmental Protection's (NJDEP) authority to implement the Resource Conservation and Recovery Act (RCRA) and have again reviewed your regulations concerning classification of hazardous waste as delineated in NJAC 7:26-8.

From this review, DOE feels that clarification is needed concerning NJDEP's interpretation of the exemption for byproduct material, requirements for analysis for RCRA characteristics versus hazardous constituents, and the sampling frequency. Once these issues are more fully understood, DOE will develop a sampling plan for collecting any additional information determined to be needed.

Considering the complexity of both the Federal and State regulations applicable to these sites, the implications of this sampling on the identification/siting of a permanent disposal facility, the significant costs associated with sampling and analysis of chemical constituents, and the public's desire to see this work proceed rapidly, it is crucial that the DOE and NJDEP work together on the development of the sampling plan to ensure it will address the needs of both the NJDEP and DOE. DOE feels that a meeting to discuss this planning would prove most beneficial and expedient. We feel the meeting should be between personnel with the technical background to develop the goals and methodology of the sampling but also with the authority to agree to the scope of work. Such a meeting would allow direct interaction so each organization's needs and constraints could be discussed and an appropriate solution to this complex issue reached.

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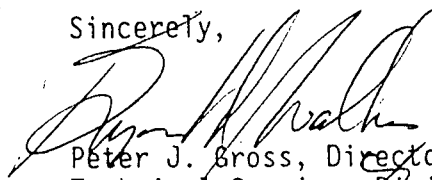


Dr. John Trela

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Bob Atkin of my staff will be contacting your office within the next few weeks to discuss this letter and to hopefully arrange the meeting I have suggested. If you have any questions, please contact Bob at (615) 576-1826.

Sincerely,



Peter J. Gross, Director
Technical Services Division

cc: Patrick Roma, NJ Assemblyman
Pat Evangelista, EPA Region II
Jim Wagoner, DOE-HQ